

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**LENORE KABASINSKAS, Personal
Representative of the Estate of Frederic
D. Kabasinskas,**

Plaintiff,

vs.

**WILLIAM R. HASKIN, individually,
GEORGE W. WESLEY, III, individually,
US XPRESS, INC., a Tennessee
corporation, and US XPRESS LEASING
INC., a Tennessee corporation,**

Defendants.

CASE NO. 8:10CV111

ORDER

This matter is before the Court on the Plaintiff's motion for an extension of time (Filing No. 98) to respond to Defendant's motion for partial summary judgment on the issue of punitive damages (Filing No. 92).

Also pending is the related Plaintiff's motion to compel (Filing No. 70). Some of the requested discovery at issue in the motion to compel assumes that punitive damages are recoverable in this case. The application of punitive damages is the sole issue presented in the Defendants' motion for partial summary judgment. In her motion for an extension of time to respond to the Defendants' summary judgment motion, the Plaintiff requests 65 days after the production of discovery requested in her motion to compel as an adequate amount of time for the Plaintiff to "analyze the information provided and to further develop her case for punitive damages." (Filing No. 98, at 5-6.)

The Court is not persuaded that the Plaintiff requires the desired discovery to formulate an argument to the legal issue regarding the applicability of punitive damages. Moreover, the Court concludes that the Defendants' suggestion that the Court defer ruling on disputed discovery requests that relate to the issue of punitive damages will result in

more efficiency on the part of the parties and the Court. Therefore, the Court will defer ruling on the discovery requests that relate to the issue of punitive damages, Request for Production 101 and Interrogatory 36,¹ until the Court has resolved the Defendant's motion for partial summary judgment and decided whether punitive damages are at issue in this case. The Magistrate Judge may consider all other matters raised in the Plaintiff's motion to compel without awaiting this Court's ruling on the Defendants' partial summary judgment motion.

In light of the timing of this order in relation to the present response date regarding the Defendants' motion for partial summary judgment, April 22, 2011, the Court will extend the Plaintiff's response deadline to May 2, 2011.

IT IS ORDERED:

1. The Plaintiff's motion for an extension of time (Filing No. 98) is granted in part and denied in part;
2. The Plaintiff's response to the Defendants' motion for partial summary judgment must be filed on or before May 2, 2011; and
3. The Magistrate Judge shall defer ruling on discovery matters relating to the issue of punitive damages, as discussed above, until this Court resolves the Defendants' motion for partial summary judgment.

DATED this 19th day of April, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

¹These are the only two requested items identified by Defendants as relevant to the issue of punitive damages. In considering the Plaintiff's motion to compel, if Magistrate Judge F.A. Gossett determines that other requested items also relate to the issue of punitive damages, he may also defer ruling on those additional requests or interrogatories until the summary judgment motion is resolved.